



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB5382

Introduced 1/27/2006, by Rep. Lee A. Daniels

SYNOPSIS AS INTRODUCED:

20 ILCS 2407/5
20 ILCS 2407/10
20 ILCS 2407/15
20 ILCS 2407/20
20 ILCS 2407/27 new
20 ILCS 2407/28 new

Amends the Disabilities Services Act of 2003. Provides that the purpose of the Act is to further develop and implement (rather than create an advisory committee to develop and implement) a Disability Services Plan that ensures compliance by the State of Illinois with the Americans with Disabilities Act and the Olmstead decision. Sets forth that services to persons with disabilities shall be provided in the most integrated setting appropriate to the needs and choices of the person with the disability and his or her guardian in accordance with an individual service or treatment plan developed with the person with the disability. Defines "most integrated setting" to mean the setting that enables a person with a disability to interact with nondisabled persons to the fullest extent possible and that is appropriate to meet the needs and choices of the person with the disability and his or her guardian. Requires the comprehensive evaluation and diagnosis of a person determined probably eligible for disability services to include an assessment of skills, abilities, and potential for community residential placement from among a full array of residential options, including in-home supports, job training, and work placement (now, potential for residential and work placement). Changes the requirements for the services provided to persons with disabilities including: family or individual support services, residential services, education, vocational habilitation and rehabilitation, employment, independent service coordination, mental health supports, and assistive technology devices and services for persons with disabilities. Authorizes the advisory committee to consult with other State officials when their expertise and resources are relevant to the resolution of a particular issue. Sets forth that the Governor, with the assistance of the advisory committee and the Secretary of Human Services, shall submit the Disability Services Plan to the General Assembly by March 31, 2006 (now, Governor responsible for the completion of the plan). Provides for annual reports of changes to the Plan to the General Assembly. Sets forth certain requirements for the Disability Services Plan. Provides due process protections for a person claiming to be aggrieved by a determination of an agency regarding eligibility for a disability service, the provision of a disability service, or a change in or termination of a disability service under the Act. Sets forth that a person with a disability shall not be denied a disability service because of sex, race, religion, ethnic origin, marital status, ability to pay (except where contrary to law), or criminal record. Makes other changes. Effective immediately.

LRB094 19398 RSP 55085 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Disabilities Services Act of 2003 is amended
5 by changing Sections 5, 10, 15, and 20 and by adding Sections
6 27 and 28 as follows:

7 (20 ILCS 2407/5)

8 Sec. 5. Purpose and scope. It is the purpose of this Act
9 to further ~~create an advisory committee to~~ develop and
10 implement a Disability Services Plan ~~disabilities services~~
11 ~~implementation plan~~ as provided in Section 20 to ensure
12 compliance by the State of Illinois with the Americans with
13 Disabilities Act and the decision in *Olmstead v. L.C.*, 119
14 S.Ct. 2176 (1999). This Act applies to services for persons
15 with disabilities that are provided directly by the State of
16 Illinois or funded in whole or in part by the State of
17 Illinois. In the implementation of this Act or of the
18 Disability Services Plan, and consistent with the Olmstead
19 decision, no person shall be compelled to move from an
20 institutionalized setting to another type of residential
21 setting without his or her voluntary informed consent or the
22 voluntary informed consent of his or her guardian.

23 (Source: P.A. 93-638, eff. 12-31-03.)

24 (20 ILCS 2407/10)

25 Sec. 10. Application of Act; definitions.

26 (a) This Act applies to persons with disabilities. The
27 disabilities included are defined for purposes of this Act as
28 follows:

29 "Disability" means a disability as defined by the Americans
30 with Disabilities Act of 1990 that is attributable to a
31 developmental disability, a mental illness, or a physical

1 disability, or combination of those. "Disability" includes
2 age-related impairments of older adults.

3 "Developmental disability" means a disability that is
4 attributable to mental retardation or a related condition. A
5 related condition must meet all of the following conditions:

6 (1) It must be attributable to cerebral palsy,
7 epilepsy, or any other condition (other than mental
8 illness) found to be closely related to mental retardation
9 because that condition results in impairment of general
10 intellectual functioning or adaptive behavior similar to
11 that of individuals with mental retardation, and requires
12 treatment or services similar to those required for those
13 individuals. For purposes of this Section, autism is
14 considered a related condition.

15 (2) It must be manifested before the individual reaches
16 age 22.

17 (3) It must be likely to continue indefinitely.

18 (4) It must result in substantial functional
19 limitations in 3 or more of the following areas of major
20 life activity: self-care, language, learning, mobility,
21 self-direction, and capacity for independent living.

22 "Mental Illness" means a mental or emotional disorder
23 verified by a diagnosis contained in the Diagnostic and
24 Statistical Manual of Mental Disorders-Fourth Edition,
25 published by the American Psychiatric Association (DSM-IV), or
26 its successor, or International Classification of Diseases,
27 9th Revision, Clinical Modification (ICD-9-CM), or its
28 successor, that substantially impairs a person's cognitive,
29 emotional, or behavioral functioning, or any combination of
30 those, excluding (i) conditions that may be the focus of
31 clinical attention but are not of sufficient duration or
32 severity to be categorized as a mental illness, such as
33 parent-child relational problems, partner-relational problems,
34 sexual abuse of a child, bereavement, academic problems,
35 phase-of-life problems, and occupational problems
36 (collectively, "V codes"), (ii) organic disorders such as

1 substance intoxication dementia, substance withdrawal
2 dementia, Alzheimer's disease, vascular dementia, dementia due
3 to HIV infection, and dementia due to Creutzfeld-Jakob disease
4 and disorders associated with known or unknown physical
5 conditions such as hallucinosis ~~hallucinosis~~, amnestic
6 disorders and delirium, and psychoactive substance-induced
7 organic disorders, and (iii) mental retardation or
8 psychoactive substance use disorders.

9 "Mental retardation" means significantly sub-average
10 general intellectual functioning existing concurrently with
11 deficits in adaptive behavior and manifested before the age of
12 22 years.

13 "Physical disability" means a disability as defined by the
14 Americans with Disabilities Act of 1990 that meets the
15 following criteria:

16 (1) It is attributable to a physical impairment.

17 (2) It results in a substantial functional limitation
18 in any of the following areas of major life activity: (i)
19 self-care, (ii) receptive and expressive language, (iii)
20 learning, (iv) mobility, (v) self-direction, (vi) capacity
21 for independent living, and (vii) economic sufficiency.

22 (3) It reflects the person's need for a combination and
23 sequence of special, interdisciplinary, or general care,
24 treatment, or other services that are of lifelong or of
25 extended duration and must be individually planned and
26 coordinated.

27 (b) In this Act:

28 "Chronological age-appropriate services" means services,
29 activities, and strategies for persons with disabilities that
30 are representative of the lifestyle activities of nondisabled
31 peers of similar age in the community.

32 "Comprehensive evaluation" means procedures used by
33 qualified professionals selectively with an individual to
34 determine whether a person has a disability and the nature and
35 extent of the services that the person with a disability needs.

36 ~~"Department" means the Department on Aging, the Department~~

1 ~~of Human Services, the Department of Public Health, the~~
2 ~~Department of Public Aid, the University of Illinois Division~~
3 ~~of Specialized Care for Children, the Department of Children~~
4 ~~and Family Services, and the Illinois State Board of Education,~~
5 ~~where appropriate, as designated in the implementation plan~~
6 ~~developed under Section 20.~~

7 "Family" means a natural, adoptive, or foster parent or
8 parents or other person or persons responsible for the care of
9 an individual with a disability in a family setting.

10 "Family or individual support" means those resources and
11 services that are necessary to maintain an individual with a
12 disability within the family home or his or her own home. These
13 services may include, but are not limited to, cash subsidy,
14 respite care, and counseling services.

15 "Independent service coordination" means a social service
16 that enables persons with ~~developmental~~ disabilities and their
17 families to locate, use, and coordinate resources and
18 opportunities in their communities on the basis of individual
19 need. Independent service coordination is independent of
20 providers of services and funding sources and is designed to
21 ensure accessibility, continuity of care, and accountability
22 and to maximize the potential of persons with developmental
23 disabilities for independence, productivity, and integration
24 into the community. Independent service coordination includes,
25 at a minimum: (i) outreach to identify eligible individuals;
26 (ii) assessment and periodic reassessment to determine each
27 individual's strengths, functional limitations, and need for
28 specific services; (iii) participation in the development of a
29 comprehensive individual service or treatment plan; (iv)
30 referral to and linkage with needed services and supports; (v)
31 monitoring to ensure the delivery of appropriate services and
32 to determine individual progress in meeting goals and
33 objectives; and (vi) advocacy to assist the person in obtaining
34 all services for which he or she is eligible or entitled.

35 "Individual service or treatment plan" means a written
36 ~~recorded~~ assessment of the needs of a person with a disability,

1 a description of the services recommended, the goals of each
2 type of element of service, an anticipated timetable for the
3 accomplishment of the goals, and a designation of the qualified
4 professionals responsible for the implementation of the plan.

5 ~~"Least restrictive environment" means an environment that~~
6 ~~represents the least departure from the normal patterns of~~
7 ~~living and that effectively meets the needs of the person~~
8 ~~receiving the service.~~

9 "Most integrated setting" means a setting that enables a
10 person with a disability to interact with nondisabled persons
11 to the fullest extent possible and that is appropriate to meet
12 the needs and choices of the person with the disability and his
13 or her guardian.

14 (Source: P.A. 93-638, eff. 12-31-03; revised 12-15-05.)

15 (20 ILCS 2407/15)

16 Sec. 15. Services. Services to persons with disabilities
17 shall be provided in the most integrated setting appropriate to
18 the needs and choices of the person with the disability and his
19 or her guardian in accordance with an ~~the~~ individual service or
20 treatment plan developed with the person with the disability
21 and his or her guardian ~~for an individual~~ under this Section.
22 The person ~~individual~~ shall initially be screened for potential
23 eligibility by the appropriate State agency and, if the person
24 ~~individual~~ is determined ~~deemed~~ probably eligible for a
25 disability services ~~service~~ or program, a comprehensive
26 evaluation of the person ~~individual~~ shall be conducted to
27 determine the services and programs appropriate for that person
28 ~~individual~~. The array of available services shall be described
29 in the Disability ~~Disabilities~~ Services ~~Implementation~~ Plan
30 required under this Act and may include, but need not be
31 limited to:

32 (1) Comprehensive evaluation and diagnosis. The
33 comprehensive evaluation and diagnosis shall include A
34 ~~person with a suspected disability who is applying for~~
35 ~~Department authorized disability services must receive,~~

1 ~~after an initial screening and a determination of probable~~
2 ~~eligibility for a disability service or program, a~~
3 ~~comprehensive diagnosis and evaluation, including an~~
4 assessment of skills, abilities, and potential for
5 residential placement from among a full array of
6 residential options, including in-home supports, job
7 training, and work placement, adapted to the person's ~~his~~
8 ~~or her~~ primary language, cultural background, and ethnic
9 origin. All components of a comprehensive evaluation must
10 be administered by a qualified examiner.

11 (2) Individual service or treatment plan. A person with
12 a disability shall receive services in accordance with a
13 current individual service or treatment plan. A person with
14 a disability who is receiving services shall be provided
15 periodic reevaluation and review of the individual service
16 or treatment plan, at least annually, in order to measure
17 progress, to modify or change objectives if necessary, and
18 to provide guidance and remediation techniques.

19 A person with a disability and his or her guardian have
20 the right to participate in the planning and
21 decision-making process regarding the person's individual
22 service or treatment plan and to be informed in writing, or
23 in that person's mode of communication, of progress at
24 reasonable time intervals. Each person must be given the
25 opportunity to make decisions and exercise options
26 regarding the plan, consistent with the person's
27 capabilities. Family members and other representatives of
28 the person with a disability must be allowed, encouraged,
29 and supported to participate as well, if the person with a
30 disability consents to that participation.

31 ~~(3) Nondiscriminatory access to services. A person~~
32 ~~with a disability may not be denied program services~~
33 ~~because of sex, ethnic origin, marital status, ability to~~
34 ~~pay (except where contrary to law), or criminal record.~~
35 ~~Specific program eligibility requirements with regard to~~
36 ~~disability, level of need, age, and other matters may be~~

1 ~~established by the Department by rule. The Department may~~
2 ~~set priorities for the provision of services and for~~
3 ~~determining the need and eligibility for services in~~
4 ~~accordance with available funding.~~

5 (3) ~~(4)~~ Family or individual support. Family or
6 individual support services shall include services that
7 support in-home or community residential placement,
8 prevent unnecessary out-of-home placement or
9 institutionalization, and foster independent living. A
10 ~~person with a disability must be provided family or~~
11 ~~individual support services, or both, whenever possible~~
12 ~~and appropriate, to prevent unnecessary out-of-home~~
13 ~~placement and to foster independent living skills when~~
14 ~~authorized for such services.~~

15 (4) ~~(5)~~ Residential services. Residential services
16 shall include a full array of institutional and
17 non-institutional residential options outside of the home
18 of the person with a disability that include appropriate
19 supervision or support services in the most integrated
20 setting appropriate to meet his or her needs and the
21 choices of the person with a disability and his or her
22 guardian. ~~choices and options. A person with a disability~~
23 ~~who requires residential placement in a supervised or~~
24 ~~supported setting must be provided choices among various~~
25 ~~residential options when authorized for those services.~~
26 ~~The placement must be offered in the least restrictive~~
27 ~~environment appropriate to the individual.~~

28 (5) ~~(6)~~ Education. Education services shall include
29 early intervention services for infants and toddlers,
30 services identified in a student's Individualized
31 Educational Program (IEP) consistent with requirements of
32 the federal Individuals with Disabilities Improvement Act
33 and the Illinois School Code, and appropriate
34 accommodations and adaptations for a person with a
35 disability who attends an institution of higher learning. A
36 ~~person with a disability has the right to a free,~~

1 ~~appropriate public education as provided in both State and~~
2 ~~federal law. Each local educational agency must prepare~~
3 ~~persons with disabilities for adult living. In~~
4 ~~anticipation of adulthood, each person with a disability~~
5 ~~has the right to a transition plan developed and ready for~~
6 ~~implementation before the person's exit by no later than~~
7 ~~the school year in which the person reaches age 14,~~
8 ~~consistent with the requirements of the federal~~
9 ~~Individuals with Disabilities Education Act and Article~~
10 ~~XIV of the School Code.~~

11 (6) ~~(7)~~ Vocational habilitation and rehabilitation
12 ~~training.~~ Vocational habilitation and rehabilitation
13 services shall include services that enable a person with a
14 disability to move toward independence and
15 self-sufficiency by developing or redeveloping skills that
16 lead to employment or re-employment in the most integrated
17 setting appropriate to meet his or her needs and the
18 choices of the person with a disability and his or her
19 guardian. A person with a disability must be provided
20 vocational training, when appropriate, that contributes to
21 the person's independence and employment potential. This
22 training should include strategies and activities in
23 programs that lead to employment and reemployment in the
24 least restrictive environment appropriate to the
25 individual.

26 (7) ~~(8)~~ Employment. Employment services shall include
27 job placement and job supports that enable a person with a
28 disability to locate and maintain gainful employment in the
29 most integrated setting appropriate to the needs and
30 choices of the person with the disability and his or her
31 guardian. A person with a disability has the right to be
32 employed free from discrimination, pursuant to the
33 Constitution and laws of this State.

34 (8) ~~(9)~~ Independent service coordination. Independent
35 service coordination shall include a service coordination
36 program free of conflicts of interest that is provided or

1 funded by the State of Illinois to enable a person with a
2 disability to access appropriate disability services. A
3 ~~person with a disability who is receiving direct services~~
4 ~~from the Department must be provided independent service~~
5 ~~coordination when needed.~~

6 (9) ~~(10)~~ Mental health supports. Mental health support
7 services shall include necessary ~~Individuals with a~~
8 ~~disability must be provided needed~~ mental health supports
9 such as psychological rehabilitation, psychiatric and
10 medication coverage, day treatment, care management, and
11 crisis services.

12 (10) Assistive technology devices and services.
13 Assistive technology devices shall include any item, piece
14 of equipment, or product system, whether acquired
15 commercially, modified, or customized, that is used to
16 increase, maintain, or improve the functional capabilities
17 of a person with a disability in a variety of environments
18 including the person's residence, workplace, or school. An
19 assistive technology service is any service that directly
20 assists a person with a disability in the selection,
21 acquisition, or use of an assistive technology device.

22 ~~(11) Due process. A person with a disability retains~~
23 ~~the rights of citizenship. Any person aggrieved by a~~
24 ~~decision of a department regarding services provided under~~
25 ~~this Act must be given an opportunity to present complaints~~
26 ~~at a due process hearing before an impartial hearing~~
27 ~~officer designated by the director of that department. Any~~
28 ~~person aggrieved by a final administrative decision~~
29 ~~rendered following the due process hearing may seek~~
30 ~~judicial review of that decision pursuant to the~~
31 ~~Administrative Review Law. The term "administrative~~
32 ~~decision" is defined as in Section 3-101 of the Code of~~
33 ~~Civil Procedure. Attorney's fees and costs may be awarded~~
34 ~~to a prevailing complainant in any due process hearing or~~
35 ~~action for judicial review under this Act.~~

36 ~~The right to a hearing under this item (11) is in~~

1 ~~addition to any other rights under federal, State, or local~~
2 ~~laws, however nothing in this Section shall be construed as~~
3 ~~requiring the establishment of a new due process hearing~~
4 ~~procedure if one already exists for a particular service or~~
5 ~~program.~~

6 (Source: P.A. 93-638, eff. 12-31-03.)

7 (20 ILCS 2407/20)

8 Sec. 20. Advisory committee; Disability Services Plan
9 Implementation.

10 (a) The Governor shall appoint an advisory committee to
11 assist in the further development and implementation of a
12 Disability ~~Disabilities~~ Services ~~Implementation~~ Plan that will
13 ensure compliance by the State of Illinois with the Americans
14 with Disabilities Act and the decision in *Olmstead v. L.C.*, 119
15 S.Ct. 2176 (1999). The advisory committee shall be known as the
16 Illinois Disabilities Services Advisory Committee and shall be
17 composed of no more than 33 members, including: persons who
18 have a physical disability, a developmental disability, or a
19 mental illness; senior citizens; advocates for persons with
20 physical disabilities; advocates for persons with
21 developmental disabilities; advocates for persons with mental
22 illness; advocates for senior citizens; representatives of
23 providers of services to persons with physical disabilities,
24 developmental disabilities, and mental illness;
25 representatives of providers of services to senior citizens;
26 and representatives of organized labor.

27 In addition, the following State officials shall serve on
28 the committee as ex-officio non-voting members: the Secretary
29 of Human Services or his or her designee; the State
30 Superintendent of Education or his or her designee; the
31 Director of Aging or his or her designee; the Executive
32 Director of the Illinois Housing Development Authority or his
33 or her designee; the Director of Public Aid (now Director of
34 Healthcare and Family Services) or his or her designee; and the
35 Director of Public Health ~~Employment Security~~ or his or her

1 designee. Other State officials, including, but not limited to,
2 the Director of Employment Security, the Director of Commerce
3 and Economic Opportunity, the Director of Children and Family
4 Services, the Director of the Board of Higher Education, and
5 the Director of the Illinois Community College Board, may be
6 invited to participate or to designate a representative to
7 participate in the discretion of the co-chairs and the
8 Secretary of Human Services when their expertise and resources
9 are relevant to the resolution of a particular issue. The
10 Department of Human Services shall be responsible for convening
11 meetings and providing logistical support for the advisory
12 committee.

13 The advisory committee shall select co-chairs and may
14 select other officers if it determines they are necessary
15 officers, including a chair and a vice chair.

16 The advisory committee shall meet at least quarterly and
17 shall keep official meeting minutes. Committee members shall
18 not be compensated but shall be paid for their expenses related
19 to attendance at meetings.

20 (b) The Governor, with the assistance of the advisory
21 committee and the Secretary of Human Services, shall submit the
22 Disability Services Plan to the General Assembly by March 31,
23 2006. The Plan ~~implementation plan~~ must include, but need not
24 be limited to, the following:

25 (1) Overarching principles that will govern the
26 disability services delivery system in Illinois in the
27 future, consistent with the Americans with
28 Disabilities Act and the Olmstead decision.

29 (2) A review of current disability services in Illinois
30 that includes the State agency or agencies responsible for
31 each service and the funding source or sources for each
32 service.

33 (3) An assessment of current services that includes the
34 identification of gaps in services, geographic inequities,
35 and fiscal and other policies necessary to enhance
36 compliance with the Americans with Disabilities Act and the

1 Olmstead decision.

2 (4) Recommendations for change that include (i)
3 long-term and short-term action plans, (ii) prioritization
4 of proposed long-term and short-term action steps, (iii)
5 proposed changes in law, rule, or policy determined to be
6 necessary for the implementation of any recommendation,
7 (iv) the estimated fiscal impact of each recommendation,
8 and (v) proposed methods of financing the implementation of
9 each recommendation.

10 ~~(1) Establishing procedures for completing~~
11 ~~comprehensive evaluations, including provisions for~~
12 ~~Department review and approval of need determinations. The~~
13 ~~Department may utilize independent evaluators and targeted~~
14 ~~or sample reviews during this review and approval process,~~
15 ~~as it deems appropriate.~~

16 ~~(2) Establishing procedures for the development of an~~
17 ~~individual service or treatment plan for each person with a~~
18 ~~disability, including provisions for Department review and~~
19 ~~authorization.~~

20 ~~(3) Identifying core services to be provided by~~
21 ~~agencies of the State of Illinois or other agencies.~~

22 ~~(4) Establishing minimum standards for individualized~~
23 ~~services.~~

24 ~~(5) Establishing minimum standards for residential~~
25 ~~services in the least restrictive environment.~~

26 ~~(6) Establishing minimum standards for vocational~~
27 ~~services.~~

28 ~~(7) Establishing due process hearing procedures.~~

29 ~~(8) Establishing minimum standards for family support~~
30 ~~services.~~

31 ~~(9) Securing financial resources necessary to fulfill~~
32 ~~the purposes and requirements of this Act, including but~~
33 ~~not limited to obtaining approval and implementing waivers~~
34 ~~or demonstrations authorized under federal law.~~

35 ~~(e) The Governor, with the assistance of the Illinois~~
36 ~~Disabilities Services Advisory Committee and the Secretary of~~

1 ~~Human Services, is responsible for the completion of the~~
2 ~~implementation plan. The Governor must submit a report to the~~
3 ~~General Assembly by November 1, 2004, which must include the~~
4 ~~following:~~

5 ~~(1) The implementation plan.~~

6 ~~(2) A description of current and planned programs and~~
7 ~~services necessary to meet the requirements of the~~
8 ~~individual service or treatment plans required by this Act,~~
9 ~~together with the actions to be taken by the State of~~
10 ~~Illinois to ensure that those plans will be implemented.~~
11 ~~This description shall include a report of related program~~
12 ~~and service improvements or expansions implemented by the~~
13 ~~Department since the effective date of this Act.~~

14 ~~(3) The estimated costs of current and planned programs~~
15 ~~and services to be provided under the implementation plan.~~

16 ~~(4) A report on the number of persons with disabilities~~
17 ~~who may be eligible to receive services under this Act,~~
18 ~~together with a report on the number of persons who are~~
19 ~~currently receiving those services.~~

20 ~~(5) Any proposed changes in State policies, laws, or~~
21 ~~regulations necessary to fulfill the purposes and~~
22 ~~requirements of this Act.~~

23 (c) ~~(d)~~ The Governor, with the assistance of the Secretary
24 of Human Services and the Disability Services Advisory
25 Committee, shall annually update the Disability Services Plan
26 ~~implementation plan~~ and report changes to the General Assembly
27 by July 1 of each year. The first annual report is due on July
28 1, 2007. ~~Initial implementation of the plan is required by July~~
29 ~~1, 2005. The requirement of annual updates and reports expires~~
30 ~~in 2008, unless otherwise extended by the General Assembly.~~

31 (d) To the extent possible, planning steps and associated
32 timelines as required in this Act shall be coordinated with
33 related initiatives such as the work of the Older Adults
34 Services Advisory Committee as created by the Older Adults
35 Services Act (320 ILCS 42/) and the Mental Health Strategic
36 Restructuring Initiative.

1 (Source: P.A. 93-638, eff. 12-31-03; revised 12-15-05.)

2 (20 ILCS 2407/27 new)

3 Sec. 27. Due process. A person claiming to be aggrieved by
4 a determination of an agency regarding eligibility for a
5 disability service, the provision of a disability service, or a
6 change in or termination of a disability service under this Act
7 must be given (1) a written notice of the decision and the
8 basis for the decision, (2) an opportunity to file a complaint
9 with the appropriate agency challenging the decision, (3) an
10 opportunity to appear before an impartial decision-maker
11 designated by the head of the agency responsible for the
12 decision to present evidence in support of the complaint, and
13 (4) a written decision on the complaint including findings of
14 fact and conclusions of law. A person aggrieved by a final
15 administrative decision under this Section may seek judicial
16 review under the Administrative Review Law. For purposes of
17 this Section, "administrative decision" has the same meaning as
18 provided in Section 3-101 of the Code of Civil Procedure. A
19 prevailing complainant in an action for judicial review under
20 this Section may be awarded reasonable attorney fees and costs.
21 Due process rights under this Section shall not supercede any
22 other due process rights established under any federal, State,
23 or local laws. Nothing in this Section shall be construed as
24 requiring the establishment of a new due process procedure if
25 one already exists for a particular disability service.
26 Complaints that may be addressed under the the complaint
27 process authorized under the federal Individuals with
28 Disabilities Education Improvement Act shall not be made under
29 this Section. A disability service that is not an entitlement
30 may be denied or limited due to insufficient funds.

31 (20 ILCS 2407/28 new)

32 Sec. 28. Non-discriminatory access to services. A person
33 with a disability shall not be denied a disability service
34 because of sex, race, religion, ethnic origin, marital status,

1 ability to pay (except where contrary to law), or criminal
2 record. Specific program eligibility requirements with regard
3 to disability, level of need, age and other matters may be
4 established by the administering State agency by rule. An
5 administering State agency may set priorities for the provision
6 of services and for determining the need and eligibility for
7 services in accordance with available funding.

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.